MONTANA LEGISLATIVE HISTORY

Chapter 62 19 71

Bill H _____ S 80 Original bill & history ___C

H. Committee on State Admin		S. Committee on State Admin	
Hearing Date(s) 2-16	✓C	Hearing Date(s) 2-6	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

COMMITTEE ON STATE ADMINISTRATION 1971

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	TRANSF. OUT
8	1/5/71	1/6/71	X						
SJR 2	1/6/71	1/18/			X				
SJR 3	1/6/71	1/18	X						
SB 43	1/8/71								X
SB 46	1/8/71	1-13	X						
SB 52	1/11	2/6		X					
SB 73	1/12								X
SB 80	1/13/	2/6			X				
SB 97	1/14								X
SB 84	1/15	1/26		X					
SB 99	1/15	2/4		X					
SB 112	1/15	1/22			X				
SB 113	1/15	1/22			X				
SB 136	1/18	DIED HERE							
SB 137	1/18	1/22		X					
SB 147	1/19	2/10	X						
SB 154	1/19	1/28			X				
SB 157	1-20	1/28	X						
SB 165	1/20	1/25	X						
SB 168	1/20	2/10	X						
SB 171	1/20	2/8			X				
SB 174	1/20	2/10			X				
SB 175	1/20	2/5	X						

STATE ADMINISTRATION

February 6, 1971
1 p.m.

The meeting was called to order by Chairman James with a quorum present.

SENATE BILL 273:

General Womack clarified that as far as the guard is concerned, the military and civilian legislative bodies are separate and they are not in the legislative business, so if the legislature sees fit to help the program in Montana in this way, it would not disrupt them.

Senator Mitchell moved the bill DO PASS, seconded by Senator Rosell and the motion carried.

SENATE BILLS 187-188:

Decision was reached that senate bill 187 needed only to be amended for typographical errors.

SENATE BILL 80:

Senator Graham implied that this bill came about because so many people have communicated objection of the closing of liquor store hours on Saturdays. His research on the subject disclosed that of 16 states which have liquor monopolies similar to ours, only our state is closed on Saturdays. Senator Graham proposed an amendment to his legislation which would provide that the stores remain open on Saturdays and remain closed on Sundays and Mondays. He submits that if we don't open liquor stores on Saturdays, we will eventually end up without state liquor stores entirely.

Wanda McMillan, vendor in a class b store, mentioned they have to work long hours for low pay and want to be home on Saturdays.

Joe Mayer, president of the council of retail clerks, professed his opposition to this proposal since the public is used to the stores being closed on Saturdays.

Senator Rosell moved the bill be amended, seconded by Senator McDonald and the motion carried. Senator McDonald moved the bill DO PASS AS AMENDED, seconded by Senator Rosell and the motion carried.

SENATE BILL 238:

Senator Graham informed the committee that this bill came about as a result of a study and audit which revealed that approximately 32,000 bottles of liquor over a three-year period were withdrawn mostly for sampling purposes. As nearly as he could determine, their method of sampling was by tasting and drinking it. Senator Graham further discovered

☒ DO PASS AS AMENDED
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 6 19 71

MR. President :

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 80

4-114, 4-121

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4-114 and 4-121 R.C.M., 1947 RELATING TO THE HOURS STATE LIQUOR STORES SHALL BE OPEN."

Respectfully report as follows: That SENATE Bill No. 80

Be amended as follows:

Amend section 1, page 2, lines 18 and 19 following the word "business" and before the word "legal" by striking and omitting the following material "between the hours of 12 noon on Saturdays through 12 noon on Sundays Mondays," and inserting in lieu thereof the following material "between the close of normal business Saturday p.m. through the opening of normal business Tuesday a.m. as set by board regulation and including".

Further amend section 2, subsections (d) and (e), page 3, lines 4 through 6 by omitting in its entirety subsection (d) and changing the lettering of subsection (e) to (d).

XXXXXXXXX
XXXXXXXXX

AND AS AMENDED DO PASS

STATE ADMINISTRATION COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 329	Delete salary limitation for spec. assistant attny general working with escheated estates	2-9	2-18		2-18	BE CONCURRED IN	Governor's Office
SB 176	Eliminate certain duplication reporting requirements	2-10	2-18		2-23	BE CONCURRED IN	Killed
SB 185	Relating to duties of State Examiner & assistants	2-10	2-20		2-23	BE CONCURRED IN	Governor's Office
SB 80	Relating to hours state liquor stores shall be open	2-11	2-16		2-16	BE CONCURRED IN	Law

STATE ADMINISTRATION COMMITTEE

February 16, 1971

The twentieth meeting of the State Administration Committee was held Tuesday morning at 10:30 in Room 433-4 of the State Capitol Building with Chairman Swan presiding.

All members were present except Representatives Marbut, Devine, Jackson and Fitzgarrald.

Senate Bill 80 was presented by Senator Graham, sponsor.

Senate Bill 238 was presented by Senator Graham, sponsor.

Senate Bill 165 was presented by Senator Siderius.

Senate Bill 180 was presented by Senator Bertsche, sponsor. Proponents were Doyle B. Saxby, State Controller; and James W. Sawyer, Data Processing Director of Montana Highway Department. There were no opponents.

Senate Joint Resolutions 2 and 3 were presented by Senator Bertsche, sponsor.

Senate Bill 168 was presented by Senator Sheehy, sponsor. Proponents were M. Wm. McEnaney from the State Board of Examiners; and Hugh R. Kelleher of the Montana Airport Manager Association and Helena Airport. There were no opponents.

Senate Bill 46 was presented by Gary J. Wicks from the Governor's office. Doyle B. Saxby, State Controller, also appeared in support of the bill. There were no opponents.

Action was then taken on the following bills:

SB112...Rep. Ulmer moved BE CONCURRED IN. Rep. Towe made a substitute motion to amend, but his motion failed. Rep. Ulmer's motion was carried.

SB46...Rep. Giesick moved be not concurred in. Rep. Towe made a substitute motion of BE CONCURRED IN, which motion was carried.

SB168...Rep. Giesick moved BE NOT CONCURRED IN. The motion was carried.

SJR3...Rep. Ulmer moved BE CONCURRED IN. Motion carried.

SJR2...Rep. Greely moved BE CONCURRED IN. Motion carried.

SB165...Rep. Giesick moved BE CONCURRED IN. Motion carried.

SB238...Rep. Bardanouve moved BE CONCURRED IN. Motion carried.

SB80...Rep. Bardanouve moved BE CONCURRED IN. Motion carried.

The meeting adjourned at 12:25.

Miles L. Swan

MILES L. SWAN, Chairman

- [ ] DO PASS
- [ ] DO NOT PASS
- [x] BE CONCURRED IN
- [ ] BE NOT CONCURRED IN
- [ ] BE ADOPTED
- [ ] BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 16 19 71

Bill Clerk

MR. [redacted] SPEAKER:

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 80

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4-114 AND 4-121,R.C.M., 1947, RELATING TO THE HOURS STATE LIQUOR STORES SHALL BE OPEN."

Respectfully report as follows: That SENATE Bill No. 80

[redacted] BE CONCURRED IN.

House Committee Report Form

Chairman.

Privileged communications.

ined. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

Husband and wife.

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Attorney and client.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

Clergyman or priest and confessor.

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Physician or surgeon and patient.

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient.

Public officer.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure.

Psychologist and child.

6. Any person engaged in teaching psychology in any school, or who acting as such is engaged in the study and observation of child mentality, shall not without the consent of the parent or guardian of such child being so taught or observed testify in any civil action as to any information so obtained.

Counselor, psychologist, nurse or teacher in educational institution and student.

7. A counselor, psychologist, nurse, or teacher, employed by any educational institution, cannot be examined as to communications made to him in confidence by a duly registered student of such institution, provided however, that this provision shall not apply where consent has been given by the student, if not a minor, or if he is a minor, by the student and his parent or legal guardian."

Approved February 27, 1971.

CHAPTER NO. 62

An Act to Amend Sections 4-114 and 4-121, R.C.M., 1947, Relating to the Hours State Liquor Stores Shall Be Open.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 4-114, R.C.M., 1947, is amended to read as follows:

Board shall establish "state liquor stores."

"4-114. **Establishment of state liquor stores—hours—kinds and prices of liquor.** The board shall establish and maintain at the county seats and such other places as the board deems advisable, one or more stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this act and the regulations made thereunder; the stores shall be classified according to the volume of business which each store does each fiscal year; the volume of business to be used in figuring each store's classification shall be the volume of business done by the store to be classified during the immediate past fiscal year; stores shall be classified as follows: stores having done a business of four hundred and fifty thousand dollars ($450,000) or over during the immediate past fiscal year shall be "Class A" stores; stores having done a business of one hundred and forty thousand dollars ($140,000) and up to four hundred and fifty thousand dollars ($450,000) during the immediate past fiscal year shall be "Class B" stores; and all stores having done a business of less than one hundred and forty thousand dollars ($140,000) during the immediate past fiscal year shall be "Class C" stores; in opening new stores the board shall estimate the volume of business which said store will do the first year and classify said store according to the estimate of business; the board shall employ the necessary help to operate said stores and shall designate the duties to be performed by the employees; the board may, from time to

Stores shall be classified.

Determination based on volume of business.

New stores.

Board shall employ help. Designate duties.

Fix prices. time, fix the prices at which the various classes, varieties and brands of liquor may be sold, and prices shall

Determine business hours. be the same at all state stores. Such state liquor stores shall be and remain open during such period of the day

Mandatory closing. as the board shall deem advisable, provided, however, that such stores shall be closed for the transaction of business *between the close of normal business Saturday p.m. through the opening of normal business Tuesday a.m. as set by board regulation and including* legal holidays, and election days."

Amending clause. Section 2. Section 4-121, R.C.M., 1947, is amended to read as follows:

Sales forbidden. "4-121. **When sales of liquor forbidden.** No sale or delivery of liquor shall be made on or from the premises of any state liquor store, nor shall any store be open for the sale of liquor

Holidays. (a) on any holiday;

National or state elections. (b) on any day on which polling takes place at any national or state election held in the electoral district in which the store is situated;

Municipal elections. (c) on any day on which polling takes place at any municipal election held in the municipality in which the store is situated;

Other days. (d) during such other period and on such other days as the board may direct."

Approved February 27, 1971.

CHAPTER NO. 63

A Bill to Provide a Guaranty Association for All Insurers, to Protect the Public from Insurer Insolvency and Providing for Assessment Among Association Members Under Certain Conditions.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana insurance guaranty association act— Section 1. **Title.** This act shall be known and may be cited as the Montana insurance guaranty association act.

Purpose. Section 2. **Purpose.** The purpose of this act is to provide a mechanism for the payment of covered claims

under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

Application. Section 3. **Scope.** This act shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage, guaranty and ocean marine insurance.

Liberal construction. Section 4. **Construction.** This act shall be liberally construed to effect the purpose under section 2 which shall constitute an aid and guide to interpretation.

Definitions. "Association." Section 5. **Definitions.** As used in this act, (1) "Association" means the Montana insurance guaranty association created under section 6 of this act.

"Commissioner." (2) "Commissioner" means the commissioner of insurance of this state.

"Covered claim." (3) "Covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this act applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this act and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due an Exceptions. reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

"Insolvent insurer." (4) "Insolvent insurer" means (a) an insurer authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent by a court of competent jurisdiction.

"Member insurer." (5) "Member insurer" means any person who (a) writes any kind of insurance to which this act applies under section 3, including the exchange of reciprocal or interinsurance contracts, and (b) is licensed to transact insurance in this state.

"Net direct written premiums." (6) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to